

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rolando Vasquez	Team: Squad #13	CCRB Case #: 201806615	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 08/10/2018 5:00 PM	Location of Incident: Sutter Avenue and Rockaway Avenue	Precinct: 73	18 Mo. SOL 2/10/2020	EO SOL 2/10/2020	
Date/Time CV Reported Fri, 08/10/2018 6:24 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 08/10/2018 6:24 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Christian Calvagna	03153	964956	075 PCT
2. Officers			PBBN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DTS Kaz Daughtry	3581	940052	PBBN

Officer(s)	Allegation	Investigator Recommendation
A.POM Christian Calvagna	Force: PO Christian Calvagna pointed his gun at § 87(2)(b)	
C.POM Christian Calvagna	Abuse: PO Christian Calvagna stopped the vehicle in which § 87(2)(b) was an occupant.	
D.POM Christian Calvagna	Discourtesy: PO Christian Calvagna spoke discourteously to § 87(2)(b)	
E. Officers	Abuse: Officers refused to provide their names and shield numbers to § 87(2)(b)	

### Case Summary

On August 10, 2018, § 87(2)(b) filed this complaint with the CCRB online.

On August 10, 2018, § 87(2)(b) was alone in his car parked on Sutter Avenue near Rockaway Avenue, in Brooklyn. § 87(2)(b)'s wife, § 87(2)(b) walked out to the car to meet him, and he handed her some cash and an ID card through the passenger side window. At this time, PO Christian Calvagna, of the 75<sup>th</sup> Precinct, ran up to § 87(2)(b) with his gun drawn and pointed at him (**Allegation A – Force:** § 87(2)(g) and shouted “Freeze, put your fucking hands up.” (**Allegation B – Abuse of Authority:** § 87(2)(g) (**Allegation C – Discourtesy:** § 87(2)(g) Two additional unidentified officers approached the area. § 87(2)(b) asked what was going on, and one of the unidentified officers told him that there had been a call of a shooting involving a car that matched his car’s description. § 87(2)(b) asked the officers for their names and badge numbers, and they did not respond (**Allegation D – Abuse of Authority:** § 87(2)(g)). The officers apologized for stopping § 87(2)(b) and then they left.

There was no video footage available for this incident.

### Findings and Recommendations

**Allegation (A) Force: PO Christian Calvagna pointed his gun at § 87(2)(b)**

**Allegation (B): Abuse of Authority: PO Christian Calvagna stopped the vehicle in which § 87(2)(b) was an occupant.**

**Allegation (C): Discourtesy: PO Christian Calvagna spoke discourteously to § 87(2)(b)**

§ 87(2)(b) (Board Review 01) stated that he pulled up to the curb at the location so that he could drop off some cash to § 87(2)(b) along with her identification. § 87(2)(b) walked up and § 87(2)(b) handed her the items through the passenger side window. At that time, § 87(2)(b) saw PO Calvagna running up to him from across the street with his gun drawn and pointed at him. He said to § 87(2)(b) “Freeze, put your fucking hands up.” § 87(2)(b) complied. After other officers came up to them, PO Calvagna put his gun away and left. Some of the other officers later told § 87(2)(b) that there had been a robbery reported recently involving a car that matched his car’s description.

§ 87(2)(b)'s testimony (Board Review 02) was consistent with § 87(2)(b)'s with two exceptions: she did not state that PO Calvagna used discourtesy, but rather that he said, “Put your hands up, don’t move,” and she also described PO Calvagna, who is a white male, as a black male.

PO Calvagna (Board Review 03) stated that he saw § 87(2)(b) seated in his car handing § 87(2)(b) what appeared to be cash and a plastic bag. This appeared to PO Calvagna to be a hand to hand drug transaction, and decided to approach § 87(2)(b) to investigate it. Because the crime he suspected was a felony, PO Calvagna feared for his safety and decided to draw his firearm as he ordered him to stop and keep his hands visible. He could not recall whether he pointed his firearm at § 87(2)(b). There had also been a shot-spotter report over the radio a short time before the incident, which influenced his decision to draw his firearm; however, PO Calvagna could not describe any further details of the shot-spotter incident. Nothing else contributed to his decision to approach § 87(2)(b) with his gun drawn or his suspicion that a drug transaction was occurring. He denied that he directed any profanity at § 87(2)(b).

Det. Kaz Daughtry of Patrol Borough Brooklyn North was identified as PO Calvagna's partner during the incident. Det. Daughtry testified that he did not recall whether he had worked with PO Calvagna prior to the incident date or if this was their first time working together (Board Review 11). While stopped at a red light, Det. Daughtry saw § 87(2)(b) who was standing near a white vehicle, hand money to § 87(2)(b) who was seated inside the vehicle. Det. Daughtry made no additional observations. PO Calvagna immediately told Det. Daughtry that he saw a hand-to-hand drug transaction in which § 87(2)(b) handed currency to § 87(2)(b) and § 87(2)(b) then handed a clear Ziploc bag to § 87(2)(b). Given Det. Daughtry's observation of money, and PO Calvagna's declaration, Det. Daughtry's suspicions were raised, but he did not provide PO Calvagna with any instructions, and before Det. Daughtry could say or do anything, PO Calvagna had already exited their vehicle and was halfway across the street. As Det. Daughtry exited his vehicle and approached the white vehicle, he saw PO Calvagna push his gun down into his holster and he heard the gun click into the holster. Det. Daughtry did not see PO Calvagna point his gun at § 87(2)(b). Det. Daughtry heard PO Calvagna tell § 87(2)(b) "Let me see your hands." Det. Daughtry did not hear PO Calvagna use profanity toward § 87(2)(b). § 87(2)(b) screamed, "Why did you point your gun at me?" It was immediately clear to Det. Daughtry that no drug transaction had occurred. Det. Daughtry looked inside the white vehicle and saw a large Ziploc bag with baby clothes. Det. Daughtry apologized to § 87(2)(b) and § 87(2)(b) for PO Calvagna's actions. Det. Daughtry instructed § 87(2)(b) on how he could file a complaint and left. During his interview, Det. Daughtry explained that prior to this incident, he heard a radio run regarding a black male in a white vehicle who was wanted regarding a report of gun shots fired. Det. Daughtry did not remember any other details of this radio run. However, Det. Daughtry never suspected that § 87(2)(b)'s vehicle was related to the radio message.

§ 87(2)(g)

According to the event summary related to the incident, there were two shot-spotter incidents occurring prior to the incident with the general vicinity: one took place ten blocks away from the incident, fifteen minutes prior to the stop, and was closed out five minutes prior to the stop when an officer reported over the radio that there had been no shots, but rather a truck had backfired (Board Review 16); a second shot spotter occurred eight minutes prior to the stop, eighteen blocks away from the incident, and was closed five minutes later when an officer requested that no further units respond to the incident (Board Review 17). Neither call describes any suspect, direction of flight, or confirms that any crime had occurred.

§ 87(2)(g)

While Det. Daughtry did not see PO Calvagna point his gun at § 87(2)(b) he noted that PO Calvagna had his gun drawn and that § 87(2)(b) was upset that a gun had been pointed at him. Even though PO Calvagna could not recall whether or not he did so, the preponderance of the evidence shows that he did, in fact, point his firearm at § 87(2)(b) during the incident.

Information received from a shot-spotter incident is not only unverified, it is automated and anonymous. It does not identify the source of the gun shot sound, or even verify that it was



average size and build, and a white male of average height and build. § 87(2)(b) described a vehicle; however, no vehicle of that description was listed on vehicle assignment sheets or roll calls of the relevant commands on the date of the incident (Board Review 08). There were more than twenty officers matching the description of the subject officers, any one of whom could have been the subject officer (Board Review 9) (Board Review 10).

PO Calvagna testified that two other officers arrived during the incident, but he did not know who they were. Det. Daughtry testified that he did not remember if any other officers arrived during this incident.

§ 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- § 87(2)(b)
- This is the first CCRB case in which PO Calvagna has been named as a subject. He has been a member of service for one year (Board Review 13).

#### **Mediation, Civil and Criminal Histories**

- Mediation was offered to § 87(2)(b) and he rejected it.
- No Notice of Claim related to this incident has been filed with the New York City Comptroller's Office as of January 3, 2019, (Board Review 14).
- § 87(2)(b), § 87(2)(c) (impair contract awards or CBAs)

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date